

**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
October 27, 2009**

**1. Present**

**Commissioners:**

Sherwood Bishop, Chair  
Ryan Thomason, Vice-Chair  
Bill De Soto  
Bill Taylor (absent)  
Curtis Seebeck  
Allen Shy  
Cecil Pounds (absent)  
Jim Stark (6:04)  
Randy Bryan (absent)

**City Staff:**

Chuck Swallow, Director of Development Services  
Matthew Lewis, Assistant Director of Development Services  
Bill Couch, Development Project Coordinator  
Francis Serna, Recording Secretary  
Sofia Nelson, Senior Planner  
John Foreman, Planner

**2. Call to Order and a Quorum is Present.**

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:00 p.m. on Tuesday October 27, 2009 in the Council Chambers, City Hall Building of the City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

**3. Chairperson's Opening Remarks.**

Chair Bishop welcomed the audience.

**4. NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

**5.** Discussion regarding Draft Code Revision for Sexually Oriented Businesses.

**6. Citizen Comment Period**

There were no citizen comments.

**7. LUA-09-18.** Hold a public hearing and consider a request by Darren Casey with Bobcat Investors, Ltd, on behalf of W. C. Carson, for a Future Land Use Map Amendment from Commercial (C) to High Density Residential (HDR) on 8.188 acres located at 1311 N. IH-35.

Chair Bishop opened the public hearing for LUA-09-18 and ZC-09-22. Ed Theriot, ETR Development, 5395 Hwy. 183, Lockhart, representing Darren Casey stated that they are proposing to change the back portion of the property to Multi Family and keep the front portion as General Commercial. He advised that he would be available to answer questions. There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Thomason and a second by Commissioner Seebeck, the Commission voted six (6) for and none (0) opposed, to approve the request as submitted. The motion carried unanimously.

**8. ZC-09-22.** Hold a public hearing and consider a request by Darren Casey with Bobcat Investors, Ltd, on behalf of W. C. Carson, for a Zoning Change from General Commercial (GC) to Multiple-Family Residential (MF-24) on 8.188 acres located at 1311 N. IH-35.

The public hearing was held concurrently with the Land Use Map Amendment.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Thomason, the Commission voted six (6) for and none (0) opposed, to approve the request as submitted. The motion carried unanimously.

**9. PDD-07-02a.** Hold a public hearing and consider a request by Baker Aicklen and Associates on behalf of SLF II McCarty Lane LLP, for an amendment to the existing Planned Development Overlay Zoning District for 75.8 acres, zoned PDD located at the intersection of McCarty Lane and IH-35.

Chair Bishop opened the public hearing. Dave Dennison, Stratford Company, 5949 Sherry Lane, Dallas, Texas explained that he was contacted by the Economic Development Director. He stated that the Director advised them that they have a major user for a potential development, possible a call center. Mr. Denison stated he was available to answer questions. There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Shy and a second by Commissioner Thomason, the Commission voted six (6) for and none (0) opposed, to approve the request as submitted. The motion carried unanimously.

**10. PDD-08-01a.** Consider a request by Darren Casey representing Bobcat Investors. Ltd and W.C. Carson of Carson Properties for an amendment to the existing Planned Development Overlay Zoning District for 1.46 acres zoned PDD located between LBJ Drive and Guadalupe Street and fronting onto Concho Street.

The applicant requested that the request be postponed to the November 10, 2009 Planning and Zoning Commission meeting.

**MOTION:** Upon a motion made by Commissioner Thomason and a second by Commissioner Shy, the Commission voted five (5) for and none (0) opposed to postpone the request to the November 10, 2009, Planning and Zoning Commission meeting. The motion carried. Commissioner Seebeck was not present for the vote.

**11. LUA-09-03.** Consider a request by Preferred Development Partners (Don Kuyrkendall), under their agent ETR Development Consulting, for a land use map amendment from Very Low Density Residential (VLDR) and Open Space (OP) to, Low Density Residential (LDR) with a maximum residential density of 5.5 units for 101.4 acres of land out of the J.M. Veramendi Survey No. 1 Abstracts 17, Hays County Texas being described as generally located on the west side of Hunter Road south of Stagecoach Trail and at the terminus of Hunters Hill Drive and Foxtail Run.

**MOTION:** Upon a motion made by Commissioner Stark and a second by Commissioner Seebeck, the Commission voted six (6) for and none (0) opposed, to approve the request as submitted. The motion carried unanimously.

**12. ZC-09-04.** Consider a request by Preferred Development Partners (Don Kuyrkendall), under their agent ETR Development Consulting, for a zoning change from Single Family (SF-6) to Base Zoning of Mixed Use (MU). The underlying base zoning for the PDD is planned to be Mixed Use (MU). Subject area includes (*Area 1 - 38.88 acres, Area 2 26.18 acres and Open space 36.34 acres*) out of the J.M. Veramendi Survey No.1 Abstract 17, Hays County Texas being described as generally located on the west side of Hunter Road south of Stagecoach Trail and at the terminus of Hunters Hill Drive and Foxtail Run.

**MOTION:** Upon a motion made by Commissioner Stark and a second by Commissioner Seebeck, the Commission voted four (4) for and two (2) opposed, to approve the request. The motion carried.

**13. PDD-09-01.** Consider a request by Preferred Development Partners (Don Kuyrkendall), under their agent ETR Development Consulting, for a zoning change from Single Family (SF-6) to a Planned Development District with the underlying base zoning for the PDD planned to be Mixed Use (MU). Subject area includes (*Area 1 - 38.88 acres, Area 2 26.18 acres and Open space 36.34 acres*) out of the J.M. Veramendi Survey No.1 Abstract 17, Hays County Texas being described as generally located on the west side of Hunter Road south of Stagecoach Trail and at the terminus of Hunters Hill Drive and Foxtail Run.

**MOTION:** Upon a motion made by Commissioner Stark and a second by Commissioner Shy, the Commission voted six (6) for and none (0) opposed, to approve the request with the conditions that the appeal process be addressed by the Planning and Zoning Commission; and the parkland or easement dedication be determined by the Planning and Zoning Commission at the time of platting. The motion carried unanimously.

#### **14, Discussion Items.**

Chair Bishop mentioned that he attended an Ethics class at the American Planning Association Conference in Galveston and they pointed out that Commissioners should recuse themselves if they leave during the meeting.

#### **Planning Report**

Matthew Lewis announced that November 8, 2009 is World Planning Day. Sofia Nelson invited the Commission to attend an Open House to celebrate Planners on November 9, 2009 from 4-6 p.m. at the Development Services Office.

Matthew Lewis asked the Commission if a quorum would be possible at the November 24<sup>th</sup> Planning Commission meeting due to the Thanksgiving Holiday. Chair Bishop stated that a quorum would be present. He suggested if possible the meeting could be cancelled. Matthew Lewis advised the Commission that staff would review the statutory requirements on pending cases and would advise the Commission if a meeting was required. Mr. Lewis stated that staff

would prepare a 2010 submittal deadline calendar to present to the Commission for adoption at a future meeting.

**Commissioners' Report**

Chair Bishop mentioned that the Incoming and Outgoing Board and Commission Reception are usually held during a Planning Commission Meeting and asked if the meeting date could be changed.

Chair Bishop also asked staff to verify with the Legal Department regarding approval with conditions on a Zoning Change and Planned Development District.

**15. Consider approval of the minutes from the Regular Meeting of October 13, 2009.**

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Stark, the Commission voted six (6) for, zero (0) opposed, to approve the Regular Meeting Minutes of October 13, 2009 with corrections. The motion carried unanimously.

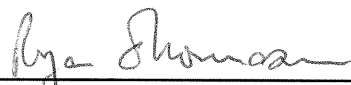
**16. Questions and answers from the Press and Public.**

There were no comments from the press and public.

**17. Adjournment**

Chair Bishop adjourned the Planning and Zoning Commission at 6:55 p.m. on Tuesday, October 27, 2009.


  
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Sherwood Bishop, Chair

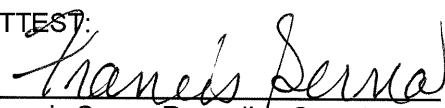
  
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Jim Stark, Commissioner

  
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Allen Shy, Commissioner

  
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Curtis Seebeck, Commissioner

  
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Bill DeSoto, Commissioner

ATTEST:  
  
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Francis Serna, Recording Secretary